

SPECIAL ORDINANCE NO. S- 104-81

AN ORDINANCE authorizing the City of Fort Wayne to issue its "Economic Development Revenue Note (Ryder Truck Lines, Inc. Project)" and approving other actions in respect thereto.

WHEREAS, the Fort Wayne Economic Development Commission has rendered its Project Report on the application of Ryder Truck Lines, Inc. ("applicant") regarding the financing of proposed economic development facilities consisting of a truck terminal, office and garage building, other improvements and equipment to be erected on a 15.03 acre site on Coliseum Boulevard, West, in Washington Township, Allen County, Indiana, and the County Plan Commission has commented favorably thereon; and

WHEREAS, the Allen County Council has authorized and consented to the establishment and financing of this Project; and

WHEREAS, the Fort Wayne Economic Development Commission conducted a public hearing on March 19, 1981 and also adopted a Resolution on said date, which Resolution was amended by the Commission at a public hearing on April 9, 1981 and, as so amended, has been transmitted hereto, finding that the financing of certain economic development facilities as described in the Resolution complies with the purposes and provisions of I.C. 18-6-4.5 and that such financing will be of benefit to the health and welfare of the City of Fort Wayne and its citizens; and

WHEREAS, the Fort Wayne Economic Development Commission has heretofore approved and recommended the adoption of this form of Ordinance by this Common Council and has approved the forms of and has transmitted for approval by the Common Council the financing documents including the Loan Agreement (including the form of Note attached as an exhibit thereto), Installment Sale Agreement, Assignment and Mortgage.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. It is hereby found that the financing of the economic development facilities referred to in the Installment Sale Agreement approved by the Fort Wayne Economic Development Commission and presented to this Common Council, the issuance and sale of the City's revenue note, the application of the proceeds of the revenue note to the acquisition and construction of such facilities and the equipping thereof, the payment of the revenue note under the Loan Agreement and the securing of said note by such facilities under the financing documents complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

SECTION 2. The final forms of the financing documents approved by the Fort Wayne Economic Development Commission are hereby approved and all such documents shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk.

SECTION 3. The City of Fort Wayne shall issue its Economic Development Revenue Note (Ryder Truck Lines, Inc. Project) (the "Note") to The Chase Manhattan Bank, N.A., in a principal amount not to exceed \$1,855,000 for the purpose of procuring funds to pay the costs of acquisition and construction of the economic development facilities as more particularly set out in the Installment Sale Agreement incorporated herein by reference which Note will be payable as to principal, premium, if any, and interest from the payments made by the applicant under the Installment Sale Agreement. The Note shall never constitute a general obligation of, and indebtedness of, or a charge against the general

credit of the City of Fort Wayne.

Section 4. The Mayor, Clerk and/or Controller are authorized and directed to sell such Note to the purchaser thereof, to bear interest at a rate per annum as provided therein, at a price not less than the principal amount thereof.

SECTION 5. The Mayor and Clerk are authorized and directed to execute the documents referred to herein on behalf of the City, including the Note authorized herein, in substantially the form approved hereby, with such modifications thereto as they may approve with the advice of counsel, the execution of such documents to be conclusive evidence of such approval, and any other document which may be necessary or desirable to consummate the transaction. The Clerk is authorized to arrange for delivery of such Note to the purchaser named in the Loan Agreement, against payment therefor as provided for in the Loan Agreement. Reference in this Ordinance to the Clerk shall in his absence include the Deputy Clerk. The signature of the Clerk on the note may be a facsimile signature.


SECTION 6. The provisions of this Ordinance and the

financing documents securing the Note shall constitute a contract binding between the City of Fort Wayne and the holder of the Economic Development Revenue Note (Ryder Truck Lines, Inc. Project), and after issuance of said Note, this Ordinance shall not be repealed or amended in any respect which would adversely affect the rights of such holder so long as said Note or the interest thereon remains unpaid.

SECTION 7. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.


COUNCILMAN

APPROVED AS TO FORM AND
LEGALITY APRIL 9, 1981.


JOHN E. HOFFMAN, CITY ATTORNEY

Read the first time in full and on motion by V Schmidt, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Genius (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 4-14-81, the 4 day of April, 1981, at 8 o'clock M., E.S.T.

DATE: 4-14-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Stier, seconded by Genius, and duly adopted, placed on its passage. PASSED (last) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>8</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
BURNS	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
EISBART	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
GIAQUINTA	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
NUCKOLS	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
SCHMIDT, D.	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
SCHMIDT, V.	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
SCHOMBURG	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
STIER	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
TALARICO	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 4/28/81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. S-104-81 on the 28th day of April, 1981.

ATTEST: (SEAL) John Nuckols
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of April, 1981, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of April 1981, at the hour of 12 o'clock P. M., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

S-81-04-04 (as amended)
BILL NO. _____

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN
ORDINANCE authorizing the City of Fort Wayne to issue its "Economic
Development Revenue Note (Ryder Truck Lines, Inc. Project)"
and approving other actions in respect thereto

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

VIVIAN G. SCHMIDT, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

MARK E. GIAQUINTA

PAUL M. BURNS

ROY J. SCHOMBURG

4-28-81
DATE _____ CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

Memorandum

To James Stier, Vice Chairman, Finance Committee Date April 21, 1981
Fort Wayne Common Council
From Peter S. Sartorius (D. J. Sheld)
Subject Ryder Truck Lines, Inc. E.D.C. Bond

COPIES TO:

Pat Ward
Terminal Manager

As Bond Council for Ryder Truck Lines, Inc. I request that the following amendment be made to Bill number S 81-04-04.

Add the following two sentences to the end of section 5 of said Bill.

✓ References in this Ordinance to the Clerk shall in his absence include the Deputy Clerk. The signature of the Clerk on the Note may be a facsimile signature. ✓

Thank you

4/21/81
Pat Ward
Herman Arnold
Construction Engineer

FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION
FORT WAYNE, INDIANA

RE: Ryder Truck Lines, Inc. (amended resolution)

BE IT RESOLVED BY THE FORT WAYNE ECONOMIC DEVELOPMENT COMMISSION that the Resolution adopted on March 19, 1981 with respect to a project for Ryder Truck Lines, Inc. be amended to read as follows:

Section 1. It finds that the proposed financing of economic development facilities presented to this meeting for the Ryder Truck Lines, Inc. project in an amount not to exceed \$1,855,000 for truck terminal and office building, garage building, and other improvements and equipment to be erected on a 15.03 acre site on Coliseum Boulevard, West, in Washington Township, Allen County, Indiana, complies with the purposes and provisions of I.C. 18-6-4.5 and will be of benefit to the health and welfare of the City of Fort Wayne and its citizens.

Section 2. The final forms of Loan Agreement, Installment Sale Agreement, Assignment and Mortgage, including the form of Economic Development Revenue Note (Ryder Truck Lines, Inc. Project), and a proposed form of Ordinance for the Common Council presented to this meeting are hereby approved in the form presented to this meeting with such insubstantial modifications thereto, if any, as counsel for the Commission may approve.

Section 3. The proposed economic development facilities will not have an adverse competitive effect on any similar facilities already under construction or in operation in the City of Fort Wayne, Indiana.

Section 4. A copy of this Resolution shall be presented to the Common Council.

Adopted this 9th day of April, 1981

FORT WAYNE ECONOMIC
DEVELOPMENT COMMISSION

BY: 
PRESIDENT


SECRETARY

Admn. Appr. _____

DIGEST SHEET

(as amended)

2-81-04-04

TITLE OF ORDINANCE Special OrdinanceDEPARTMENT REQUESTING ORDINANCE Economic Development Commission

SYNOPSIS OF ORDINANCE An ordinance authorizing the City of Fort Wayne to issue its "Economic Development First Mortgage Revenue Bonds, Series 1981" (Ryder Truck Lines, Inc.) and approval of final financing documents. An Inducement Resolution for this project was previously adopted by City Council.

EFFECT OF PASSAGE Permanent financing of facilities.EFFECT OF NON-PASSAGE None of the above.MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) None.

ASSIGNED TO COMMITTEE (PRESIDENT) _____